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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,547	03/02/2001	Roger De Lathouwer	COL202	3745

7590

02/28/2002

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,547

Applicant(s)

DE LATHOUWER, ROGER

Examiner

Tri M. Mai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the nesting of five suitcases must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 15-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims remain replete with indefinite errors:

The terms "faces", "the rigidification", "the rods", "the uppart", and "the lateral faces" have no antecedent basis.

The term "aforesaid" should be changed to "said".

/ Regarding claim 25, "verticle suitcases" has no antecedent basis.

Claim Rejections - 35 USC § 102

3. Claims 15, 16, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Himbeeck. Van Himbeeck teaches a suitcase having two tubes at portions 128 and 160, an opening, and a molded portion having two curved plates 32 and 34. Van Himbeeck teaches retaining rings 166 as shown in Fig. 11.

Regarding claim 21, at least the edge of the front portion is not supported by the upper portion of the suitcase as claimed.

4. Claims 15, 16, 18, 20, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of either Kish, Jr. or Kotkins. Lin teaches a suitcase having two tubes at portions 72 and 74, an opening, and a molded portion having two curved plates 20 and 22. Lin meets all claimed limitations except for the retaining elastic rings. Either Kish, Jr. or Kotkins teaches that it is known in the art to provide retaining elastic rings 92 and 35 respectively. It would have been obvious to one of ordinary skill in the art to provide retaining rings in Lin as taught by either Kish, Jr. or Kotkins to keep the panels together.

Regarding claims 24 and 25, Lin teaches the nesting one within the other (col. 3, lines 41-43). It would have been obvious to one of ordinary skill in the art to provide at least 5 suitcases in Lin to store additional contents.

5. Claims 15-18, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers (DE19525571) in view of either Kish, Jr. or Kotkins. Myers teaches a suitcase having two tubes 108, an opening, and a molded portion having two curved plates 80'. Myers meets all claimed limitations except for the retaining elastic rings. Either Kish, Jr. or Kotkins teaches that it is known in the art to provide retaining elastic rings 92 and 35 respectively. It would have been obvious to one of ordinary skill in the art to provide retaining rings in Myers as taught by either Kish, Jr. or Kotkins to keep the panels together. Regarding claim 21, portions 98 and 72 are the upper and lower portions as claimed, and portion 98 does not support at least a front part of the upper face of the suitcase.

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6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Himbeeck in view of King. Van Himbeeck meets all claimed limitations except for the parts are attached by rivets. King teaches that it is known in the art to attach parts of a luggage by rivets. It would have been obvious to one of ordinary skill in the art to attach parts of a luggage by rivets in Van Himbeeck as taught by King to fasten the parts easily.

Response to Arguments

7. Applicant's arguments filed 12/05/01 have been fully considered but they are not persuasive.

With respect to the Van Himbeeck reference, applicant asserts that portion 128 are not tubes. It is noted that the term "tubes" is broad. The term "tube" does not impart any structure over the structures in Van Himbeeck. Furthermore, portions 128, along with the surface of portion 126 form a "tubular conduit".

Furthermore, the claim requires "the lateral faces being hoped by a retaining elastic ring". It is noted that only one ring is required. Portion 166 meets the definition of "a ring" embracing the edge of the support portion.

Regarding the Lin reference, it is noted that portion 12 and 14 are not the frame of the luggage. The term "frame" imparts the whole integral structure of the luggage. The Lin reference does teach a supple material, being the fabric outside of the luggage.

Regarding the Kotchins reference, applicant noted that the strip in Kotchins is used to bind different panels. It is submitted that the term "retaining" is broad. Clearly, "binding" can be interpreted as "retaining".

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Regarding the Myers reference, as noted above, the term "frame" imparts the whole integral structure of the luggage. The Myers reference does teach a supple material, being the fabric outside of the luggage.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

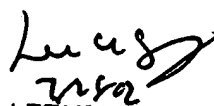
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai
Examiner
Art Unit 3727



February 25, 2002



LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700